

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR RAMIREZ,

Plaintiff,

-v.-

CAFÉ ROYALE RESTAURANT INC., et al.,
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/8/2024

22 Civ. 09684 (JHR)

DEFAULT JUDGMENT

JENNIFER H. REARDEN, District Judge:

On November 14, 2022, Plaintiff Victor Ramirez filed the instant action, asserting claims for violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* and New York Labor Law, N.Y. Lab. Law §§ 190 *et seq.* and 650 *et seq.* ECF No. 1. On November 25, 2022, Defendants Jerry Cuaya and Ramon Cuaya were served with process. ECF Nos. 6, 7. On November 28, 2022, Defendant Cafe Royale Restaurant Inc. was served with process. ECF No. 8. Defendants' answers were therefore due on December 16 and 19, 2022, respectively. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) ("A defendant must serve an answer . . . within 21 days after being served with the summons and complaint."). All Defendants failed to answer or otherwise appear.

On January 5, 2023, upon Plaintiff's application, ECF No. 9, 11, the Clerk of Court issued certificates of default for all Defendants, ECF No. 13-14. On June 12, 2023, following reassignment of the case to this Court,¹ Plaintiff moved for a default judgment pursuant to Federal Rule of Civil Procedure 55. ECF No. 17. On January 17, 2024, the Court issued an order directing Defendants to show cause, by January 26, 2024, as to why a default judgment was not warranted. ECF No. 25. On January 23, 2024, Plaintiff served the Court's Order on

¹ This case was originally assigned to the Honorable Gregory H. Woods.

Defendants. ECF No. 26. To date, Defendants have not opposed the Order or otherwise appeared.

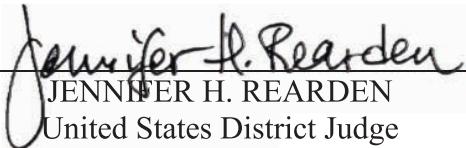
The Court has reviewed Plaintiff's motion for a default judgment and supporting submissions. Because proof of service has been filed; Defendants have failed to answer the Complaint; the time for doing so has expired; and Defendants have failed to appear to contest the entry of a default judgment, the Court enters a default judgment for Plaintiff against Defendants on all claims, in an amount to be determined at an inquest, plus costs, interest, and attorneys' fees to be determined based on a subsequent submission.

By separate Order, the Court will refer this case to Magistrate Judge Stewart D. Aaron for an inquest into damages. By **Friday, March 14, 2024**, Plaintiff shall serve this Order upon Defendants and file an affidavit reflecting such service.

The Clerk of Court is directed to terminate ECF No. 17.

SO ORDERED.

Dated: March 8, 2024
New York, New York



JENNIFER H. REARDEN
United States District Judge